

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES E. BOWERS,

Petitioner,

v.

THOMPSON, Warden,

Respondent.

No. 2:20-cv-0452 KJM KJN P

ORDER

Petitioner, a state prisoner proceeding pro se, filed an application for a writ of habeas corpus under 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 26, 2021, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Neither party filed objections to the findings and recommendations.

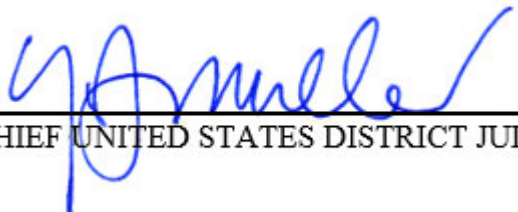
Although it appears from the file that petitioner's copy of the findings and recommendations was returned and marked "Undeliverable, Refused," petitioner was properly served. It is petitioner's responsibility to keep the court apprised of his current address at all times. Pursuant to Local Rule 182(f), service of documents at the record address of the party is fully effective.

1 The court presumes that any findings of fact are correct. *See Orand v. United States*,  
2 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed  
3 de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law  
4 by the magistrate judge are reviewed de novo by both the district court and [the appellate] court  
5 . . . .”). Having reviewed the file, the court finds the findings and recommendations to be  
6 supported by the record and by the proper analysis.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The findings and recommendations filed August 26, 2021, are adopted in full;
- 9 2. This action is dismissed for failure to prosecute without prejudice. *See Local Rule*  
10 110; Fed. R. Civ. P. 41(b);
- 11 3. The court declines to issue the certificate of appealability referenced in 28 U.S.C.  
12 § 2253; and
- 13 4. The Clerk of the Court shall serve this order on petitioner at his address of record and  
14 at the following address: RRM New York, 100 29th Street, Brooklyn, NY, 11232.

15 DATED: October 15, 2021.

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18 CHIEF UNITED STATES DISTRICT JUDGE  
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